

Serial No. 10/789,398  
Examiner Thomas Sweet

**REMARKS**

Claims 1-94 are pending in the application. Restriction was required to one of the following allegedly distinct inventions:

- I. Claims 1-47 and 70-72, drawn to at least one biocompatible matrix;
- II. Claims 48-69, drawn to a method of manufacture;
- III. Claim 73-94, drawn to a stent.

Pursuant to 35 U.S.C. 121, applicants hereby elect the Group III claims, Claims 73-94, with traverse for prosecution on the merits. This election is made with traverse, because claims 1-47 and 70-72 are directed to implantable medical devices, rather than simply a "biocompatible matrix" as stated in the Office Action.

Applicants are further requested under 35 U.S.C. 121 to elect a single species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The species listed in the Office Action are as follows:

- A – a stent cover;
- B – a biliary stent;
- C – a ureteral stent;
- D – a pancreatic stent;
- E -- a urinary catheter;
- F – a venous access device;
- G – a peritoneal access device;
- H – a device connecting or providing drainage between two sterile body environments;
- I – a device connecting or providing drainage between a non-sterile and a sterile body environment;

Applicants hereby elect Species C, ureteral stents, for further prosecution on the merits. Claims 73-94 are readable on Species C. Applicant notes that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species provided by 37 C.F.R. 1.141.

The subspecies election requested in the Office Action is applicable to claims 6-12, 70 and 71 and is therefore not germane to the Group III election.

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Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the undersigned.

The Office is authorized to charge any fees required, to deposit account number 50-1047.

Respectfully submitted,



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I hereby certify that this document and any document referenced herein is being sent to the United States Patent and Trademark office via Facsimile to: 571-273-8300 on Oct. 30, 2006.

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(Printed Name of Person Mailing Correspondence)

  
(Signature)